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ATTORNEYS FOR DEFENDANTS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRAFFICSCHOOL.COM, INC., A CALIFORNIA
CORPORATION; DRIVERS ED DIRECT, LLC, A
CALIFORNIA LIMITED LIABILITY COMPANY,

PLAINTIFFS,

VS.

EDRIVER, INC.; ONLINE GURU, INC.; FIND
MY SPECIALIST, INC., AND SERIOUSNET,
INC., CALIFORNIA CORPORATIONS; RAVI K.
LAHOTI, AN INDIVIDUAL; RAJ LAHOTI, AN
INDIVIDUAL; AND DOES 1 THROUGH 10,

DEFENDANTS.

CASE NO: CV 06-7561 PA (CWx)

**DECLARATION OF SCOTT ANNETT
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR CONTEMPT**

DATE: FEBRUARY 2, 2009
TIME: 1:30 P.M.
PLACE: COURTROOM OF THE
HONORABLE PERCY ANDERSON

I, Scott Annett, hereby declare the following:

1. I am the Director of Analytics at Online Guru, Inc. ("Online Guru"). I have
personal knowledge of the facts hereinafter stated and hereby testify competently thereto
as a witness in the above-captioned matter.

2. Online Guru is responsible for managing the business operations and

1 content of the website located at www.dmv.org (the "DMV.ORG").

2 3. As Online Guru's Director of Analytics, I am responsible for and supervise
3 the company's data collection, analyses and various processes relating to data
4 inputs/outputs.

5 4. Omniture, Inc. is a third party company that licenses, as a service, web
6 analytics software. Omniture software is an industry standard tool used for tracking
7 website internet traffic and related statistics. Online Guru has a license to use Omniture's
8 web analytics software. Online Guru is therefore able to access a variety of forms of
9 traffic data for the DMV.ORG website through Omniture.

10 5. As Online Guru's Director of Analytics, I personally pull reports from
11 Omniture on a regular basis to analyze the performance of the DMV.ORG website,
12 including but not limited to, the number of visitors by various measures, the number of
13 pages viewed, the pages on which each visitor enters the site, and the popularity (number
14 of views) of specific pages on the site.

15 6. I personally used Omniture's data warehouse to pull a report showing the
16 number of visitors and pages viewed to the Website from December 1, 2008 through
17 December 31, 2008.

18 7. The data I examined was broken out by three (3) different variables:

19 a. Cookies (Y/N): Whether the visitor to DMV.ORG had cookies
20 turned on or off in their browser;

21 b. JavaScript (Y/N): Whether the visitor to DMV.ORG had
22 JavaScript enabled or disabled in their browser.

23 c. JavaScript Version: Which version of JavaScript the visitor had
24 installed on their system when they visited DMV.ORG.

25 A true and correct copy of the above-referenced report is attached as Exhibit 1.

26 8. From this report, I gathered the following facts:

27 a. During the month of December 2008, 97.37% of all visitors to the
28 DMV.ORG website had both cookies turned ON and JavaScript ENABLED.

b. During the month of December 2008, 98.07% of all pages viewed on the DMV.ORG website had both cookies turned ON and JavaScript ENABLED. Attached hereto as Exhibit 2 is a true and correct copy of a chart I created summarizing and highlight the above facts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I executed this declaration on January 20, 2009 in San Diego, California.


Scott Annett

Exhibit 1

Cookies	JavaScript	JavaScript Versions	Unique Visitors	Page Views	
N		0 no javascript		724	1479
N		4	1.3	42	151
N		5	1.4	6	18
N		6	1.5	3129	13117
N		7	1.6	278	918
N		8	1.7	1154	4291
U		0 no javascript		33379	135662
U		6	1.5	2	3
U		8	1.7	1	3
Y		0 no javascript		44293	87376
Y		1	1	1	1
Y		4	1.3	531	1660
Y		5	1.4	475	1996
Y		6	1.5	2335105	9554032
Y		7	1.6	175689	652764
Y		8	1.7	558631	2138926

Exhibit 2

December 2008 Data¹

Cookies	JavaScript	JavaScript Version	Unique Visitors	UV %	Page Views	PV %
N	NO	no javascript	724	0.02%	1,479	0.01%
N	YES	1.3	42	0.00%	151	0.00%
N	YES	1.4	6	0.00%	18	0.00%
N	YES	1.5	3,129	0.10%	13,117	0.10%
N	YES	1.6	278	0.01%	918	0.01%
N	YES	1.7	1,154	0.04%	4,291	0.03%
Y	NO	no javascript	33,379	1.06%	135,662	1.08%
Y	NO	no javascript	44,293	1.40%	87,376	0.69%
Y	YES	1.0	1	0.00%	1	0.00%
Y	YES	1.3	531	0.02%	1,660	0.01%
Y	YES	1.4	475	0.02%	1,996	0.02%
Y	YES	1.5	2	0.00%	3	0.00%
Y	YES	1.5	2,335,105	74.05%	9,554,032	75.87%
Y	YES	1.6	175,689	5.57%	652,764	5.18%
Y	YES	1.7	1	0.00%	3	0.00%
Y	YES	1.7	558,631	17.71%	2,138,926	16.99%
Segmentation Analysis Summary						
Cookies: N, JavaScript: N				0.02%	1,479	0.01%
Cookies: N, JavaScript: Y				0.15%	13,117	0.15%
Cookies: Y, JavaScript: N				2.46%	87,376	1.77%
Cookies: Y, JavaScript: Y				97.37%	12,349,385	98.07%
					12,592,397	

[1] Omniture SiteCatalyst

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